

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION NO.
	:	2:18-CR-11-1-RWS-JCF
WINSTON WADE TURNER,	:	
	:	
Defendant.	:	

ORDER


This matter is before the Court on the Report and Recommendation of Magistrate Judge J. Clay Fuller [Doc. No. 25].

In reviewing a Report and Recommendation, the district court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “Parties filing objections to a magistrate’s report and recommendation must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court.” United States v. Schultz, 565 F.3d 1353, 1361 (11th Cir. 2009) (quoting Marsden v. Moore, 847 F.2d 1536, 1548 (11th Cir. 1988)) (internal quotation marks omitted). Absent objection, the district judge “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate [judge],” 28 U.S.C. § 636(b)(1), and

“need only satisfy itself that there is no clear error on the face of the record” in order to accept the recommendation. Fed. R. Civ. P. 72, advisory committee note, 1983 Edition, Subdivision (b). In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the Court has conducted a *de novo* review of those portions of the R&R to which Defendant objects and has reviewed the remainder of the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

Here, Defendant argues that the good faith exception should not apply because at the time the Government applied for the orders, the issue of whether a warrant was required was highly contested in the courts and because the Supreme Court had granted certiorari in the Carpenter case six months prior to the time the orders were signed. The Court OVERRULES the objection and finds that the good faith exception applies. The R&R [Doc. No. 25] is hereby approved and adopted as the opinion and order of this Court. As such, Defendant’s Motion to Suppress [Doc. No. 21] is DENIED.

SO ORDERED this 5th day of February, 2019.



RICHARD W. STORY
United States District Judge